PRELIMINARY DRAFT - FOR DISCUSSION PURPOSES

Effective Date:
MEMORANDUM OF UNDERSTANDING
BETWEEN
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
AND
COUNTY OF
REGARDING ONSITE WASTEWATER SYSTEMS
I. BACKGROUND
The California Water Code authorizes the Central Coast Regional Water Quality Control Board (Central Coast Water Board) to regulate discharges that could affect the quality of waters of the State, including those from individual wastewater systems. The Central Coast Water Board adopted into the Water Quality Control Plan, Central Coast Basin (Basin Plan) criteria for siting, design, construction, maintenance and management of onsite wastewater systems. The Central Coast Water Board encourages direct regulation of these waste discharges by authorized and qualified local agencies where such regulation is mutually beneficial. Accordingly, this Memorandum of Understanding (MOU) County is considered as a local agency qualified and authorized to regulate onsite wastewater system siting, design, construction, maintenance, and management. This MOU specifies that County shall formally adopt an onsite wastewater management plan and governing ordinance that meets or exceeds criteria specified in the Basin Plan, and guidelines adopted thereto, governing onsite wastewater systems County is responsible for implementing its onsite wastewater management plan and ordinance.
II. PURPOSE
It is the joint goal of the Central Coast Water Board and County to protect water quality and public health from impacts associated with onsite wastewater discharges. This MOU defines cooperative roles for County and the Central Coast Water Board with respect to compliance with the purpose and intent of statewide standards, Basin Plan criteria, and applicable local regulations governing onsite wastewater systems. This MOU is intended to assist in creation of a partnership between the Central Coast Water Board and County to protect water quality and public health in areas where onsite wastewater systems are utilized.
III. APPLICABILITY
This MOU applies to all onsite wastewater systems within County.
2 County assumes lead responsibility for implementing a program to regulate siting, design, maintenance, and management of onsite wastewater systems that:

a. process _____ gallons per day (gpd) or less, and

¹ Monitoring programs should use existing data as much as possible

	f.	Alternative means of disposing of wastewater in the event of disposal system failure and/or irreversible degradation from onsite disposal
	g.	Education and outreach program
	h.	Enforcement options
	i.	Septage management
	j.	Onsite system management program administration, staffing and financing
3.	mo MC	County shall develop and maintain an ordinance regulating onsite wastewater stems consistent with the approved onsite wastewater management plan. Any proposed difications or revisions to the local onsite wastewater system ordinance, the Basin Plan, or this DU shall be submitted to County and Central Coast Water Board for review and mment.
4.	<u>Ap</u>	e Central Coast Water Board authorizes County to implement the <u>Criteria for proval and Use of Alternative Wastewater Disposal Systems</u> specified in Appendix A. Appendix nay be modified with the approval of both agencies without nullification or renegotiation of this DU.
5.	<u>fro</u>	addition, large onsite wastewater systems generating between and _ <u>(maximum gpd</u> <u>m_2a_above)</u> gallons per day shall be regulated by County as detailed in bendix B.
6.	afte cor	s MOU may be renegotiated upon request by either agency. This agreement shall be reviewed er five years and re-negotiated if either agency desires modification to the terms and conditions stained therein. If neither agency requests re-negotiation of the MOU at the five-year review iod, the MOU will remain in effect for another five years.
7.	lea nul	County may rescind its authorization to implement onsite wastewater system ulations by providing a resolution from its regulatory body to the Central Coast Water Board at st 60 days prior to such action occurring. The Central Coast Water Board may take action to lify this MOU in accordance with the procedures outlined in Section VI "Enforcement of the DU" of this MOU.
8.	Sta pro imp Re pub	sed on watershed analysis or other actions requiring a reduction in waste load to waters of the tte, County may assist the Central Coast Water Board by enforcing discharge hibitions and mandated inspection, repair, and upgrade programs. Resources needed to fund plementation and compliance of such programs may be sought in consultation with County's governing body, the Central Coast Water Board, and State Water sources Control Board County may assist the Central Coast Water Board in polic outreach programs designed to alert affected property owners and residents prior of water ality issues prior to implementation of any program.
9.		e Central Coast Water Board and local agency intends to have sufficient staffing to implement MOU and the onsite wastewater regulatory program.
10.	and	cal agency and Central Coast Water Board personnel involved in the enforcement of this MOU diregulation of onsite wastewater systems at the Central Coast Water Board and local agency all be trained and have experience in the regulation of onsite wastewater systems. County shall develop a training program that provides specific training in the

following areas:

a. Permitting, inspection, and enforcement duties pertaining to onsite wastewater systems in order to ensure compliance with the Basin Plan and local onsite ordinance.

- b. Evaluation of site and soil characteristics that can have an impact upon onsite wastewater systems.
- c. Onsite wastewater systems and their design.

according to the following schedule:

- d. Monitoring of onsite wastewater systems and interpretation of monitoring information.
- e. Health and safety training, including use of personal protective equipment and identification of field hazards associated with onsite wastewater systems.

11. Regulation of onsite wastewater systems is a cooperative partnership between
County and the Central Coast Water Board. It is the responsibility of both agencies to implement all aspects of this agreement. These responsibilities include:
a. Local agency responsibility:
 County shall implement a local onsite ordinance in conformance with Central Coa Water Board requirements.
County shall implement permitting, inspecting, and enforcement of onsit wastewater systems.
3County shall monitor the operation and maintenance of onsite wastewater systems.
 County shall employ certified professionals to implement the onsite wastewate system program.
 County shall notify the Central Coast Water Board at the earliest possible date of a proposals to use onsite wastewater systems in new major subdivisions, or proposals fo multiple minor subdivisions within a specific geographic area where the impact will b similar to one or more major subdivisions.
6County shall review and act upon requests for variances from local onsite ordinance requirements provided such variances will not violate any provision of the Basin Plan and are consistent with protocol for variances detailed in the local onsite ordinance County shall forward any variances requested from local onsite ordinance requirements that would violate the Basin Plan to the Central Coast Water Board for it action.
 County shall amend the local onsite ordinance to incorporate statewide minimum standards for onsite wastewater systems or the Basin Plan within six months of the changes taking effect.
8County shall develop and implement an onsite wastewater management pla

Onsite Wastewater Management Plan Development Schedule

	I ask	Completion Date
b. Ce	entral Coast Water Board Responsibility:	
1.	The Central Coast Water Board will conduct an evaluation once every five years to ensure that the local program onsite ordinance, statewide minimum standards, and the	is in conformance with the local
2.	The Central Coast Water Board will provide assistance request from County. This assistance guidance, training opportunities, or review of onsite wast	may be in the form of technical
3.	The Central Coast Water Board will provide development of the regulations any proposed and amer or guidelines that regulate onsite wastewater systems.	
4.	The Central Coast Water Board will invite and consider County and other stakeholders during review of statewid Plan.	
5.	The Central Coast Water Board will be responsible for a through existing analytical requirements (303b and 303c areas (TMDL, 319 study areas). The Central Coast Water County of its findings and required TMDL implementation	d) and special studies in impacted ter Board will advise
6.	On projects requiring waste discharge requirements, the ensure that the operator has obtained any additional require local jurisdiction having authority for all constructionsite wastewater system.	uired permits and inspections from
V. TYPE	S OF SYSTEMS ALLOWED	
for approv	County may permit onsite wastewater systems in con all and use of alternative wastewater disposal systems list	
extent po that do no	ot comply to the Code provided that a worse environment oast Water Board has been notified and given an opp	site wastewater disposal systems al condition is not created and the

VI. EVALUATION

between County and the Central C	stewater system program is a cooperative process oast Water Board. The intent of the evaluation is to desired results and those that need improvement.
Appendix C. The Central Coast Water Board mupon the information submitted by use this information to perform an evaluation of regulatory program once every five years and proposed shall provide at least 21 days written not evaluation. The evaluation process shall be in comparison.	o the Central Coast Water Board as indicated in any provide comment and recommendations based County. The Central Coast Water Board shall also County's onsite wastewater system ovide constructive input. The Central Coast Water office to County prior to starting the conformance with Appendix C. Appendix C may be se without nullification or renegotiation of the MOU.
summary of findings and recommended program evaluation. Within 30 days of receipt of the re	County for consideration a written modifications within 30 days of completion of the port, County shall provide a written ding the findings and recommendations contained in
VII. ENFORCEMENT OF MOU	
enforced by County. If evaluation its duties as required by this MOU, and recommendations of the Central Coast Water Boat to rescind or nullify this MOU. Rescission or nullify this MOU. Rescission or nullify and require individual regulation by the Central Coast Water Board must provide Completion, and appeal process and rights determination to nullify or rescind the MOU. Appet the Central Coast Water Board. Appeals shall be the Executive Officer within 21 days of the appeal	nsible for ensuring that the terms of the MOU are reveals that County is not performing County does not amend its process per the ard, the Central Coast Water Board may take action allification of the MOU by the Central Coast Water entral Coast Water Board of each onsite wastewater I boundaries of County. The Central county with written notice detailing the Central Coast remedies to prevent the action from continuing to County shall have 45 days to appeal any leals shall be heard first by the Executive Officer of the heard within 60 days and a determination made by hearing. If the appeal is denied, then Quality Control Board within 30 daysThe MOU will ard makes a final determination.
This Memorandum of Understanding is hereby app	proved by the following parties:
G 7 1.	
Chief Executive Officer, (local agency)	Executive Officer, Central Coast Regional Board
Date	 Date

APPENDIX A

CRITERIA FOR APPROVAL AND USE OF ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS

1. <u>Alternative Treatment² and Dispersal Devices</u>

- a. <u>Pressure Distribution Systems</u>: These are systems that rely upon pressurized transport of wastewater effluent to provide equal distribution throughout a below-ground dispersal field composed of approved, small-diameter piping of chamber components. Such system may be used in connection with an enhanced treatment device. Pressure distribution systems require three of more feet of separation to groundwater or limiting condition unless enhanced treatment is used prior to disposal.
- b. <u>Mound Systems</u>: Mound systems shall be designed to comply with all provisions of the *Wisconsin Mound Soil Absorption System: Siting Design and Construction Manual* (Converse, J.C., and E.J. Tyler, 2000) or as otherwise indicated in the Code. For new development, mound systems may be approved only when groundwater is two of more feet below the ground surface. Mound systems for repairs shall be designed according to the same standards as above to the fullest extant possible.
- c. <u>At-Grade Systems</u>: At-Grade systems shall be designed to comply with the provisions of the 1990 *Wisconsin At-Grade Soil Absorption System Siting, Design, and Construction manual* or as indicated in the Code. The setback requirement for the At-Grade system from groundwater or other limiting conditions is three feet unless enhanced treatment is used prior to disposal.
- d. Enhanced Treatment Intermittent and Recirculating Sand Filters: A sand filter is a containment pit that contains sand to pretreat wastewater prior to dispersal in a pressure distribution, at-grade, or other approved pressurized dispersal field. The use of a sand filter and pressurized dispersal of wastewater effluent allows a minimum of two feet separation from the bottom of the dispersal field to groundwater or other limiting condition. The use of intermittent and recirculating sand filters shall be permitted as a recognized treatment technology for new development and repairs. Intermittent and recirculating sand filters shall be designed according to loading rates, dosing frequencies and media specifications required for sand filtration or as otherwise provided in the Code.
- e. Enhanced treatment Proprietary Products: Proprietary treatment products may be permitted for new development and repairs to existing development parcels as detailed in the Code. The Executive Officer and the County Director of Environmental Health shall jointly approve proprietary treatment products for use that have a history of satisfactory performance. Use of specific products may be limited, depending on quality of wastewater produced by that product and the associated treatment or dispersal method.

² An onsite treatment system is one that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable treatment and dispersal/discharge of wastewater where a conventional system may not be capable of meeting established performance requirements to protect public health and water resources (e.g., at sites where high groundwater, low-permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater or where additional treatment is needed to protect groundwater or surface water quality). Components that might be used in alternative systems include sand filters, aerobic treatment units, disinfection devices, and alternative subsurface wastewater infiltration systems such as mounds, gravel-less trenches, and pressure and drip distribution. (*U.S. Environmental Protection Agency Onsite Wastewater System Manual, EPA/625/R-00/008, February 2002*)

2. Use of Enhanced Treatment

- a. <u>Mitigation of Setback to Groundwater Using Enhanced Treatment Units</u>: The standard for setback from bottom of leaching device to groundwater may be reduced to two feet for new development when enhanced treatment systems are used.
- b. Enhanced Treatment for Nitrogen Reduction: For fast percolating sandy soils in water supply watersheds, or other situations where nitrogen reductions are required, approved treatment units that can be used to reduce total nitrogen levels in effluent by a minimum of 50% or to 10 mg/L (as N), which ever is most restrictive.

3. Monitoring of Maintenance and Operation of Alternative Systems

a.	Local agency Oversight of Alternative Systems Operations and Maintenance Shall be
	Required: In order to ensure that an alternative system is mitigating the site constraints for
	which it was designed, a monitoring program shall be implemented for each specific type of
	alternative system County shall continue to operate and maintain the program
	to provide for oversight of the operations and maintenance requirements of all alternative
	systems. The program may utilize inspection and reporting by qualified private individuals, or
	self monitoring by the onsite wastewater disposal system owner, while maintaining regulatory
	authority to ensure the appropriate operation, maintenance and reporting of all alternative
	system. Operation permits must be utilized to provide conditions for use and tracking for
	mechanisms for the various types of alternative systems that are permitted.
	Easements to allow access onto the property for the purposes of monitoring are
	recommended.
	County's wastewater management plan shall include a water quality monitoring
	program in areas where alternative systems are installed. This water quality monitoring
	program shall be subject to approval by the Central Coast Water Board.

b. <u>Maintenance Manual</u>: Upon approval of an alternative system, the designer or vendor shall provide the owner with a detailed manual that describes how that system must be maintained.

4. General Procedures for Design and Installation or Alternative Systems

- a. <u>Professional Shall be Required to Design and Inspect Construction of Alternative Onsite Systems</u>: Design, installation, and inspection of alternative onsite wastewater and dispersal systems shall be performed only by Registered Civil Engineers, Registered Environmental Health Specialists, Registered Geologists, or Registered Soil Scientists. Alternative systems designed to handle to gallon per day (gpd) shall only be designed by Registered Civil Engineers experienced and qualified in the design and inspection of onsite wastewater treatment and disposal systems.
- b. <u>All Septic Tanks and Plumbing Chambers for Alternative Systems Shall be Water Tight</u>: All existing or new septic tanks and plumbing chambers used in alternative onsite treatment and dispersal systems shall be water tight and tested for water tightness prior to their use.
- c. <u>Piezometric Determination of Groundwater Required for Alternative Systems Serving New</u> Development: Where reduced setback to groundwater for dispersal system serving new

development is proposed using an alternative system, _____ County may require a piezometric study of the site to be performed through at least one wet season. A qualified consultant shall conduct a groundwater elevation study of the proposed site using piezometers. Hydrographs comparing rainfall and piezometric groundwater elevations shall the prepared and submitted in a professional report. The report shall assess the saturation and frequency of peak groundwater levels in relation to expected performance of the proposed treatment and disposal system. Discussion of the specific wet season examined in relation to typical wet seasons shall be presented in the report. The report shall draw a conclusion on compliance or non-compliance with the required groundwater setback standard.

d. <u>Deed Recordation</u>: The County will provide for recordation of a notice in the property records of the presence of an alternative system on that property. The notice shall specify operating requirements and any limitations on the use of the property that are related to the presence of the alternative system.

APPENDIX B

CRITERIA FOR LARGE SUBSURFACE ONSITE WASTEWATER SYSTEMS (_____ TO _____ GALLONS PER DAY)

1.	sys	County shall regulate privately owned and operated onsite wastewater dispersal stems generating between and gallons of wastewater effluent per day as wided for in this MOU.
2.	sho	County may require enhanced treatment to reduce nitrate or other contaminants for ge onsite wastewater systems. If nitrate reduction of wastewater is required, then treatment ould reduce total nitrogen levels in wastewater effluent by a minimum of 50%, or as best allable technology will allow. The ultimate objective is to reduce total nitrogen levels in effluent 10 mg-N/L or less.
3.	ove Boa the	r systems currently under the jurisdiction of the Central Coast Water Board, but subject to ersight by County under the terms of this document, the Central Coast Water and shall ensure that its orders are in compliance with current Basin Plan requirements and may n transfer jurisdiction to County according to procedures described under ction 6, below.
4.	Cer dra Reg insp cor req	r new systems, upgrades, and repairs to large systems not currently under the jurisdiction of the ntral Coast Water Board, the County shall require a project description (with engineered twings and specifications). All large systems shall be designed by Registered Civil Engineers or gistered Environmental Health Specialists experienced and qualified in the design and pection of onsite wastewater systems. Large system designs, upgrades, and repairs shall be assistent with the Central Coast Basin Plan as well as standard provisions for waste discharge uirements. As a result, County shall include standard criteria for large systems thin the wastewater management plan County shall take the following actions:
	a.	For new and expanded discharges, and repairs to an existing system, if information submitted by the applicant is consistent with Basin Plan and local agency requirements, County will approve the proposal and provide on-going oversight for compliance with Code requirements. On an annual basis, County shall forward to the Central Coast Water Board copies of all applications for large systems that were received and processed, with a summary of actions taken.
	b.	In any case, if the applicant has existing waste discharge requirements, the application will be forwarded to the Central Coast Water Board with a local agency recommendation for appropriate action.
5.	Wh	nere large systems are not in compliance with local agency and Basin Plan requirements, County may refer such systems to the Central Coast Water Board for enforcement.
6.	Tra	insfer of Large Systems
	a.	To facilitate the transfer of lead responsibility over selected facilities from the Central Coast Water Board to County, the Central Coast Water Board shall:
		1) Identify a facility that meets the conditions of this MOU.

	2)	Prepare a package documenting facility management transfer from Central Coast Water Board to County. The Central Coast Water Board transfer package shall include:
		a) Letter documenting transfer
		b) Existing Central Coast Water Board waste discharge requirements
		c) Compliance history
		d) Monitoring data
		e) A copy of Central Coast Water Board action rescinding waste discharge requirements.
	3)	Send the transfer package to County
b.		facilitate the transfer of lead responsibility over selected facilities fromounty to the Central Coast Water Board, County shall:
	1)	Identify a facility that no longer meets the conditions of the MOU.
	2)	Prepare a package documenting facility management transfer from County to the Central Coast Water Board County's transfer package shall include:
		a) Letter documenting transfer
		b) Existing County Wastewater Disposal Permit and Notice of Wastewater Disposal System with Special Operating Conditions, if applicable
		c) Compliance history
		d) Monitoring data
		e) A copy of County's action to expunge the large onsite treatment system from its jurisdiction.
	3)	Submit the transfer package to the Central Coast Water Board.
C.		ansfer is only complete upon receipt of a complete transfer package and written acceptance County or Central Coast Water Board, whichever will then have jurisdiction.

APPENDIX C

PERIODIC REVIEW OF THE ONSITE WASTEWATER PROGRAM

- 1. _____ County shall submit the following information to the Central Coast Water Board once every five years or upon request:
 - a. The number of permits issued for new construction, repairs, additions, and destruction of standard onsite treatment systems.
 - b. The number of permits issued for alternative or experimental systems including the type of enhanced treatment device permitted.
 - c. The results of any monitoring program for onsite wastewater systems including the number of changes of ownership, the number of monitoring inspections, the type of system monitored, flows (in gallons per day) for each system, the number of properly functioning systems, and those in failure or needing repair.
 - d. The number and type of complaints pertaining to onsite wastewater systems.
 - e. Organization chart, classification, and duties of each person involved in the program.
 - f. Documentation of qualifications of staff involved in the onsite wastewater program
 - g. Documentation of continuing education in the onsite wastewater program
 - h. Summary of water quality monitoring results, including sample data and conclusions regarding potential impact from onsite wastewater system discharges.
- 2. Once every five years the Central Coast Water Board shall evaluate implementation of County's onsite wastewater program. This five year evaluation may include:
 - a. Review of the code, local ordinances, laws, standards, and policies relating to the regulation of on site wastewater systems.
 - b. Review of files, inspection records, monitoring results and reports, plans or other information pertaining to onsite wastewater systems.
 - c. Review of onsite wastewater system owner outreach, education, and compliance assistance programs.